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(MS# 180498.1)
PATENT

REMARKS

Applicants have thoroughly considered the Examiner's remarks and the application has been amended in light thereof. Claims 1-48 are presented in the application for further examination. Claims 1, 15, 23, 40 and 45-48 have been amended by this Amendment B. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested. The following remarks will follow the sequence of the Office action.

Claims 1-8, 12-20, 22, 23, 27-32, 34-43 and 45-48 stand rejected under 35 U.S.C. §103(a) as being unpatentable over a newly cited reference to Miloslavsky (U.S. Patent 6,130,933) in view of Kozdon et al. (U.S. Patent No. 6,226,285 B1). The Examiner argues that Miloslavsky discloses at col. 4, lines 25-31 and 53-57 a computer having a data connection to a web server for initiating a telephonic connection between a plurality of telephonic devices. Applicants respectfully disagree. Applicants submit that Miloslavsky teaches nothing more than a system for routing. In particular, col. 4, lines 38-40 indicate that the purpose of the system of Miloslavsky is to coordinate voice (via PSTN 160) and data (via internet 106) communication between the user and the service agent. Col. 4, lines 53-64 indicate that the service assistance center 140 includes a CTI system 142 for routing calls. Col. 4, lines 65-68 confirm that the invention is limited to a system for routing voice communication as well as video. Thus, contrary to the Examiner's conclusion, there is no computer illustrated in Miloslavsky having a data connection to a web server for initiating a telephonic communication between a plurality of telephonic devices.

Each of the independent claims recites this aspect of the invention. For example, claim 1 recites "a computer, having a data connection to a web server, for initiating the web server to establish a telephonic communication between first and second telephonic devices coupled to a telephone network." Similarly, claim 15 recites a computing device coupled to the data network for making a selection of the first and second telephone devices for communication and for providing said selection to said web server. Claim 23 recites a computing device coupled to a data network for initiating the communication between the first and telephone devices. Claim 30 recites a communication initiation device coupled to the web server via the data network for initiating the web server to establish the voice communication between two or more telephony devices via the data network. Also, method claim 40 recites selecting via a computing device the

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two telephony devices to be connected and commanding the web server to establish communication between the associated telephony devices via the data network. Furthermore, claims 45-47 specify that the device provides the selection to the web server via the data network. Furthermore, claim 48 specifies that the web server receives an indication of the selected first and second telephony devices from the computing device via the data network. These recitals of the invention are simply not taught or disclosed by the Miloslavsky reference. As noted above, Miloslavsky contemplates only the routing of various information and connections and in particular the coordinated connection of voice and data. The remaining claims which depend from the above-noted independent claims are patentable for the same reasons as noted above with regard to the independent claims. In addition, it is submitted that the dependent claims individually recite features which in combination with the features of the independent claims are also patentable.

It is noted that the Examiner admits that Miloslavsky does not disclose a plurality of point of presence (POP) telephony servers. The Examiner argues that Kozdon is analogous art which discloses POP telephony servers coupled to a telephone network. However, Applicants do not read Kozdon as teaching that telephony servers are coupled to a web server and a data network as recited by the claims. Instead, Kozdon teaches transmitting appropriate data from the intranet web server 96 to the user's computer 74 and the user's telephone 76 (col. 7, lines 12-15). In contrast, claim 1 recites that the POP telephony servers are coupled to the telephone network and coupled to the web server via the data network. Similarly, claim 15 recites that the web server is coupled to the telephony servers via the data network. Claim 23 includes the same recital as claim 15. Claim 30 recites that the web server is coupled to the POP servers via the data network. Claim 40 also recites providing via the data network information associated with the two telephony devices to a web server. Thus, these aspects of the invention are clearly distinguishable over the combination of cited references and the rejection based on the references must be withdrawn.

In summary, it is submitted that claims 1-8, 12-20, 22, 23, 27-32, 34-43 and 45-48 are patentable over Miloslavsky in view of Kozdon because these references in combination fail to teach or suggest a computer for initiating a connection between two telephonic devices and, fail to teach a POP telephony server coupled to a web server via a data network.

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Claims 9-11, 21, 24-26, 33 and 44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Miloslavsky in view of Kozdon and further in view of Swartz (U.S. Patent 6,445,694 B1). These claims recite conversion logic in the POP telephony servers for receiving voice data and converting the voice data into streaming audio for transmission over a data network. As noted above, the combined references fail to teach such a POP telephony server for converting voice data received via a telephony network into streaming audio for transmission over a data network. In addition, these claims are patentable over the cited references for the same reasons as noted above with regard to the independent claims. In particular, the Swartz reference is deficient for the same reasons noted above that establish that the Miloslavsky and Kozdon references are deficient.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

Applicant does not believe that a fee is due. If, however, the Commissioner determines otherwise, such fees may be charged to Deposit Account No. 19-1345.

Respectfully submitted,



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